

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of November 29, 2007

Members in Attendance

David Dowling  
Sara Jane Cate  
Richard Freeburn  
Jeffrey Staub  
Gregory Sirb

Also in Attendance

James Turner, Solicitor  
Dianne Moran, Planning & Zoning Officer

**Special Exception #07-08**

Applicant:	MCR Properties, Inc.
Address:	436 S. Lansdowne Avenue, Yeadon PA 19050
Property:	5005 Devonshire Road, Harrisburg, PA
Interpretation:	A construction company or tradesperson's headquarters (including but not limited to landscaping, building trades or janitorial contractor) is a Special Exception Use in the Office Neighborhood Zoning District and requires a zoning decision by the Zoning Hearing Board. Applicant proposes to operate his insurance fire, smoke and water damage repair company from 5005 Devonshire Road.
Grounds:	Article 306.B.2 of the Lower Paxton Township Codified Ordinances pertains to this application.

The following were sworn in: Mr. John McNally, 305 North Front Street / 1811 Westfield Road, Counsel for the Applicant; James A. Mellon Jr., of Mellon Certified Restorations (MCR), 426 South Lansdowne Ave, Yeadon PA, Applicant; and Robert Linn, Architect & Principal of Linn Architects; and Dianne Moran, Planning and Zoning Officer.

The applicant had no objection to entering the application, site plans and attachments as exhibits.

Ms. Moran testified that the appropriate fees were paid on October 23, 2007. Proper advertisements were made in The Paxton Herald on November 14 and 21, 2007. The property was posted November 19, 2007.

Ms. Moran testified that Article 3, Section 306.B.2 of the Lower Paxton Township Codified Ordinances, pertains to this special exception application. A construction company or

tradesperson's headquarters (including but not limited to landscaping, building trades or janitorial contractor) is a Special Exception Use in the Office Neighborhood Zoning District and requires a zoning decision by the Zoning Hearing Board. The applicant wishes to operate his insurance fire, smoke and water damage repair company from 5005 Devonshire Road.

Mr. McNally stated that the site is in the ON, Office Neighborhood District, which does permit this use as special exception. He felt that the applicant could satisfy the criteria for the special exception section of the ordinance, as well as section 109.2.1 of the MPC.

Mr. Mellon testified that his company is an insurance restoration company. It is a full service restoration company, from pack up and cleaning of contents, water damage, to full reconstruction after fire, water or other damage.

Mr. Mellon stated he has 135 employees at 6 locations. There are 20-25 employees at the location located at 553 Division Street, which has been there for 8 years. He acquired the business formerly known as FireEx, which had been in that location for 17 years.

Mr. Mellon stated that there may occasionally be a homeowner to the office to select some samples in rebuilding the home, but that is something that is typically done on the job site or at a retailer.

Mr. McNally asked about the on-site activities. Mr. Mellon stated that the majority of the operation is an office, housing estimators, a production manager, and office staff for accounting purposes. Insurance restoration is heavy on paperwork, requiring the office staff. The work crews do sometimes come to the office to pick up work orders, but generally go directly to the job site. There is also a limited amount of cleaning of contents that would take place at the office.

The purchase of the property is contingent upon obtaining the special exception approval.

Mr. McNally asked if the site as it currently exists will satisfy MCR's needs. Mr. Mellon answered no, that a small addition will be needed. When the plans were approved in 1990 they included the approval of at 44x72 addition, so they are asking for half of that, 22x72.

Ms. Cate asked for a detailed description for what will take place inside the building, including equipment and chemicals. Mr. Mellon stated a lot of the equipment is air movers and dehumidifiers that are used in drying a home. They are kept in the warehouse to be taken to the job sites. There are air scrubbers that are used for mold remediation jobs and general construction dust. There is minor construction materials that would be used in a board-up service for the fire company, including plywood. The cleaning materials include detergents, used in removing soot. Ms. Cate asked what chemicals would be stored on site. Mr. Mellon stated that they are all of the nature of detergents. Ms. Cate asked if there would be anything flammable. Mr. Mellon stated they do own generators so there is a very small amount of gasoline for the generators. There will be a flammable closet that will be vented to the outside. The closet is a steel, fire proof, locked cabinet, and is what is required by the building code.

Mr. Sirb asked if all 20-25 employees from the Division Street location would move to this new location. Mr. Mellon stated that is correct, and the Division Street location will be closed.

Mr. Sirb asked about the number of employees that stay in the facility during the day, and the number of work crew that go to a job site. Mr. Mellon stated he has two administrators, two estimators, two production managers and a marketer. The rest of the staff do not regularly come to the office location.

Mr. Sirb asked about truck and equipment storage and traffic. Mr. Mellon stated that some employees take their vehicles home, and some park them at the office site. The largest vehicle they own is a 14-foot cube van that houses the emergency equipment. There are also standard cargo vans and a pick-up truck. Mr. Sirb asked if there are garages to park the vehicles. Mr. Mellon stated that there is currently no overhead garage door, but with the addition one will be added. The garage is more for storage of people's belongings. One truck may be parked inside after the addition is complete.

Mr. Sirb asked if the applicant felt this site could handle all of this activity. Mr. Mellon answered affirmatively.

Mr. Sirb asked if the addition is any sort of issue for the Zoning Hearing Board to consider. Ms. Moran stated that it is not.

Mr. Freeburn asked about the size of the building and the proposed addition. Mr. Linn stated that the building is currently 4,800 square feet, and the addition is 22'x70' or 1,584 square feet. The total will be 6,384 square feet.

Mr. Freeburn asked how much parking is required for that size. Mr. Linn stated that 2,700 square feet of office space requires nine spaces (one per 300 square feet), and the warehouse portion requires two, (one per employee working in the warehouse), and one space is required for every ten managers, equaling one space. Twelve spaces are required total, and there are 20 spaces outdoors, plus spaces inside the garage.

Mr. Freeburn asked about the six spaces along the building, where the addition will be located. Mr. Linn stated that there is a total of 27 parking spaces on site. The 1990 plan accounted for the building to be maximized, with the second phase addition that is double what is proposed now. The parking spaces along the building were intended to disappear, and were not counted as permanent parking spaces.

Mr. Freeburn asked if MCR will recondition or refurbish personal property that is brought in for storage. Mr. Mellon stated that they will clean it. Mr. Freeburn stated that he has experienced cases where the insurance company would prefer to have items refurbished rather than pay the customer the replacement value. He envisioned lots of people standing around cleaning and trying to get property back into condition to be returned rather than the insurance company

paying to have the item replaced. Mr. Mellon stated there will be one or two employees doing that occasionally, but they would usually be out in the field, unless it is not safe to do so on the job site. It is up to the insurance company if the item can be cleaned and salvaged, or if it is a total loss. Mr. Mellon stated they do not intend to have full time employees doing that kind of work. Mr. Freeburn asked if the applicant has those kind of employees at any of his sites. Mr. Mellon answered that he does have one employee for that, at the Yeadon office in Delaware County. That is the largest office, about a \$7 million office. The Harrisburg office is about a \$2 million office.

Mr. Freeburn stated he saw three or four trucks parked at the Division Street facility. Mr. Mellon stated there is typically one parked inside the building.

Ms. Cate asked if there is a total of five trucks. Mr. Mellon stated the estimators also have trucks, but they take them home.

Mr. Freeburn asked if large trucks deliver materials to the office site. Mr. Mellon stated that the typical deliveries to the office would be FedEx or UPS, but occasionally there may be a larger truck, but not often.

Mr. Freeburn asked if there is an intention to consolidate any of the other operations into this one. Mr. Mellon answered no.

Mr. Freeburn asked if the applicant intends to store equipment or property outside of the building. Mr. Mellon stated no.

Mr. Freeburn asked if additional signage is proposed. Mr. Mellon stated that he will put his signs exactly where the Sir Speedy signs are, and will be no larger in dimension.

Mr. Freeburn asked if a fence is proposed. Mr. Mellon answered that he has no intentions for any fencing of any kind.

Mr. Freeburn asked if any of the neighbors expressed any position on the proposed use of the building. Mr. Mellon stated he has not heard from anyone, and felt he will make a good neighbor for them.

Mr. Freeburn noted that the garage will be large when the addition is complete, and asked if the applicant intends to use it all for storage. Mr. Mellon answered yes, noting that the drying equipment takes up a lot of space. Ms. Cate asked if that equipment will be used at the office location. Mr. Mellon answered no, they are only stored there and taken as needed to a job site.

Mr. Freeburn asked if the applicant does vehicle estimating as well. Mr. Mellon stated he only does property estimating.

Mr. Freeburn asked about additional outdoor lighting. Mr. Mellon stated he has not evaluated that yet.

Mr. Staub asked how long the applicant has been at the Division Street property. Mr. Mellon stated he has operated there for eight years, and the previous operation was in business for 17 years prior.

Mr. Dowling asked if his business has received any building or code violations or warnings at the Division Street property from the City of Harrisburg. Mr. Mellon answered no.

Mr. Dowling asked what types of items would be removed from home and taken to this facility. Mr. Mellon stated that any contents of a home, including sofas and tables. Mr. Dowling asked if the applicant decides if the contents can be cleaned on-site or if they have to be taken to the garage. Mr. Mellon stated that is a decision that is made between his estimators and the insurance company. Mr. Dowling asked if MCR will also reconstruct a home. Mr. Mellon answered that is correct.

Mr. Dowling asked where the materials needed to reconstruct or repair the home are delivered. Mr. Mellon stated they would usually go directly to the home. There are occasions that materials are kept at the office site.

Mr. Freeburn asked if there is demolition equipment. Mr. Mellon stated that he would either hire an outside crew for demolition or most likely, his employees will dismantle it by hand and load a dumpster. If the home is so bad that it needs demolished and totally rebuilt, it is generally done by someone else. His company usually comes in when it can be salvaged.

Mr. Staub asked for an architectural description of the site. Mr. Linn stated that exhibit 13 is a series of photographs of the building. The building is made up of 22-foot bays, with space for two additional 22-foot bays. The architecture on the addition will be the same as the existing building with a single pitch roof sloping down towards Orchard Street. There is a stormwater recharge system, which is partially detention and partially recharge, on site. There will be no change in impervious surface as the addition will be placed on the existing parking lot.

Mr. Staub asked Ms. Moran if the application went before the Planning Commission for a recommendation. Ms. Moran answered yes, and they were in favor of it.

Mr. Staub asked if Ms. Moran has confirmed the parking calculations presented by the applicant. Ms. Moran stated that they do have adequate parking.

Mr. Linn presented aerial photographs labeled 4A and 4B and oriented the Board to the exhibits, noting the Best Buy, the M&T Bank, Chef Wong's Chinese Restaurant and The Tire Mart. All of which are in the CG zoning district. The proposed use is a use by right in the CG, but a special exception use in the ON. Mr. Linn noted that the properties to the rear are residential, but speculated that they will eventually grow to match their ON zoning.

Mr. Linn presented exhibit 6C, a copy of the approved 1990 site plan, showing the existing building in pink, the addition in yellow, the original phase 2 addition in blue, the property boundaries in orange, and the property setbacks in green. He stated that the setbacks are all compliant, as well as the percentage of impervious coverage.

Mr. Linn presented exhibit 7D, showing the floor plan. It shows the 3,684 square feet of warehouse, and the office clusters surround that area.

Mr. Linn stated that the seven criteria in the ordinance are met.

Mr. Sirb asked if the proposal will have an impact on the surrounding area. Mr. Linn stated that there is not outside storage. He further noted that the building has been vacant for a few years, and felt that was the most detrimental type of neighbor. The operation proposed is neat and classy.

Mr. Linn stated that the traffic in and out is probably much less than Sir Speedy, noting that the only traffic will be employees coming in the morning and leaving for the night.

Mr. Sirb asked what impact this site will have on the characteristics of the residential neighborhood behind it. Mr. Linn stated it will not impact them, and he felt that area was changing to match the zoning in place.

Mr. Sirb asked about emergency calls and operating hours. He asked if the office will open if the company gets a call. Mr. Mellon stated that standard hours are 7:30 am to 4:30 pm. If there is a call at night, the only activity at the office site will be a crew of two arriving, taking the emergency truck that is stocked specifically for an after hours emergency. The office will not open, and work will not be done in the facility after hours.

Mr. Sirb asked if that truck will be parked inside or outside. Mr. Mellon stated it will probably be parked outside.

Ms. Cate asked how many trucks are parked outside. Mr. Mellon stated there are about five. The largest is a 14-foot cube van, and the others are typical cargo vans, specifically Chevy Express vans.

Mr. Dowling asked if Ms. Moran remembers if Sir Speedy had vans. Ms. Moran did not think so, and noted that the Servicemaster in Linglestown keeps their yellow vans behind the building.

Mr. Linn noted that the Planning Commission liked the plan enough to suggest the applicant seek a zoning change. He also noted that they unanimously voted in favor of the application.

Mr. Sirb asked about traffic and safety that might impact the residential neighbors. He asked if this business would have more traffic than Sir Speedy. Ms. Moran felt they would probably have much less customer traffic since the work is off-site.

Mr. Sirb asked about days of operation. Mr. Mellon stated they operate five days a week. Mr. Sirb asked if the office would open if a call came in on a Saturday. Mr. Mellon stated the only activity would be the retrieval of the van, and the facility would not be opened. Mr. Sirb felt the facility would open to get the truck and cleaners and equipment needed immediately, and asked if stuff would be brought back to the facility for storage. Mr. Mellon stated that is not normally provided after hours. The emergency services only include enough to secure the house until regular hours. The van is fully stocked with everything that might be needed in an emergency call.

Ms. Cate asked the location of the warehouse employees. Mr. Mellon stated that they have not designed that yet, but it would be within the warehouse.

Mr. Dowling called for comments from the audience, and there were none.

The Township had no position on this application.

Mr. Sirb was concerned about equipment being stored outside, and stated that will be a sensitive issue and should be kept to a minimum. Mr. Mellon stated that there will be none.

Mr. Sirb hoped that there would be no fencing. Mr. Mellon had no intentions of installing fencing.

Mr. Mellon was willing to accept those requests as conditions of the application.

Mr. Freeburn made a motion to grant Special Exception 07-08 as submitted, conditioned upon the testimony given. Mr. Sirb seconded the motion. A roll call vote was as follows: Mr. Staub-Aye; Mr. Freeburn-Aye; Mr. Sirb; Ms. Cate-Aye; and Mr. Dowling-Aye. Special Exception 07-08 was granted.

The hearing ended at 7:55 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary